

REMARKS

Claims 3, 5-10 and 15-32 are pending. The indication of allowable subject matter with respect to claims 8, 9, 18 and 19 is appreciated.

Accompanying this Response is form PTOL-413A Applicant Initiated Interview Request Form. No interview has been held as yet. The requested interview date of 11 August 2005 may be changed by the Examiner to an earlier date if the Examiner desires. If so, the Examiner is respectfully requested to contact the undersigned attorney to set a date for the personal interview.

Claims 5, 6, 21, 24, 25, 28, 29 and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura et al. (US 5,768,095). The applicant respectfully traverses this rejection for the following reason(s).

Nakamura fails to disclose all that is claimed. Note that in order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 21, 25 and 29 call for a 'rib' and the engagement of that rib with a groove of a deformable coupling extending from an inner surface of one of a bezel (front cover) and rear cover. In particular, the claims call for *at least one rib formed to project from a peripheral surface of a first one of the bezel and the rear cover; and at least one deformable coupling bearing a groove, extending from an inner surface of a different one of the bezel and the rear cover, oriented to embrace a correspond rib during said mating, wherein the rib is inserted in the groove* (emphasis added).

The Examiner erroneously refers to "an edge portion" Nakamura's notch 57b' as corresponding to the claimed 'rib'. Additionally, the Examiner refers to Fig. 10A, stating that the "rib" is better seen in Figure 10A.

However, what is seen in Figure 10A is in fact better seen when referring to Fig. 8. What the Examiner identifies as a "rib", *i.e.*, an edge portion of 57b', is clearly **not** a "rib." The definition of a 'rib' (*i.e.*, something resembling a rib in form, position or use, as a supporting or strengthening part).

FIGS. 10A and 10B are cross-sectional views of the front bezel 53 taken along line 10--10 in FIG. 6, with FIG. 10A specifically showing the condition when the rear cover 51 is attached, and with FIG. 10B specifically showing the condition when the rear cover 51 is detached.

Additionally, the Examiner has failed to explain how an edge portion of notch 57b' meets the requirement set forth in claim 21 that the rib project from a peripheral surface. As can clearly be seen in Fig. 8, the notch is below the edge of the side wall of front bezel 53, and there is no

projection of the edge of notch 57b'.

Accordingly, since the edge portion of Nakamura's notch 57b' does not project from a peripheral surface of the bezel nor the rear cover, the rejection is deemed to be in error as failing to anticipate claims 21, 25 and 29.

"There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001, 18 USPQ2d 1896 (Fed. Cir. 1991).

Further, claims 21 and 25 call for *at least one deformable coupling bearing a groove, extending from an inner surface of a different one of the bezel and the rear cover, oriented to embrace a correspond rib during said mating, wherein the rib is inserted in the groove*; and claim 29 calls for *aligning at least one rib formed to project from a peripheral surface of a first one of the bezel and a rear cover to engage a groove borne by at least one deformable coupling extending from an inner surface of a different one of the bezel and the rear cover*.

The Examiner states that Nakamura comprises "at least one deformable coupling (57b, fig. 4) bearing a groove (on the right hand side of the upper end portion of 57b shown in fig. 10A, not labeled), extending from and inner surface of the rear cover (fig. 10B), oriented to embrace a correspond rib . . ."

Nakamura's rear cover 51 includes a side wall (see Figs. 4, 10A and 10B) from which latch 57b extends.

Nakamura states "The latches 57a and 57b are integrally and symmetrically **formed at the**

top ends of the side walls of the rear cover 51." The Examiner refers to latch 57b as corresponding to the claimed 'deformable coupling'.

Accordingly, since Nakamura's latch 57b, is formed **at the top** of the side wall, the requirement of claim 1 that it extend from an inner surface of the rear cover is not met by Nakamura.

Note that the Examiner has not held that the side wall of the rear cover forms any part of the latch 57b. Accordingly the corner formed between the side wall and latch 57b fails to meet the requirement that the **deformable coupling, i.e., latch 57b, bear the groove**.

Therefore, Nakamura fails to anticipate the claimed subject matter set forth by claims 5, 6, 21, 24, 25, 28, 29 and 32.

Accordingly, the rejection is deemed to be in error as failing to anticipate claims 21, 25 and 29.

Therefore, the rejection of claims 5, 6, 21, 24, 25, 28, 29 and 32 is deemed to be in error and should be withdrawn.

Furthermore, claim 5 calls for *a pair of stops protruding from a rear surface of the bezel to engage the panel support and prevent the panel support from moving across a plane of the panel*.

With respect to claim 21, from which claim 5 depends, the Examiner referred to Nakamura's element 61 as corresponding to the claimed *panel support*. On page 8, paragraph 9, subparagraph 3), the Examiner refers us to a non-labeled element extending from the back of bezel 53, in Figs. 7A and 7B, next to the lower edge of back member 61

With respect to Fig. 6, Nakamura discloses "FIG. 6 is a rear perspective view of the front bezel 53 of the lid 50 with the rear cover 51 removed. Referring to this figure, the front bezel 53 and a back member 61 are integrally formed (i.e., inseparable)." See col. 7, lines 49-52.

Thus, if back member (panel support) 61 is integrally formed with front bezel 53, then it is clear that the panel support will not move. Therefore, there are no stops necessary to *prevent the panel support from moving across a plane of the panel*.

Note also that the Examiner indicates that these (apparent) stops are not disclosed in the specification, and that Nakamura is silent with respect to reasons for having such (apparent) stops. The Examiner then goes on to state "it may have been obvious to one of ordinary skill in the art."

Since the rejection is based on §102 and not §103, the holding of obviousness in a §102 rejection is improper. Further, changing the rejection to a §103 rejection would not support the Examiner's holding that the indicated non-labeled elements are necessary *to engage the panel support and prevent the panel support from moving across a plane of the panel*, because the panel support 61 is integrally formed with bezel 53 **and cannot move across a plane of the panel** anyway.

Accordingly, the rejection of claim 5, and similarly, claims 6, 24, 28 and 32 which all claim a *stop*, is deemed to be in error and should be withdrawn.

Claims 15, 16, 22, 23, 26, 27, 30 and 31 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. The Applicant respectfully traverses this rejection for the following reason(s).

Claims 15, 16, 22, 23, 26, 27, 30 and 31 depend from independent claims 21, 24 or 29, and thus include the features set forth by claims 21, 24 or 29. Accordingly, claims 22, 23, 26, 27, 30 and 31 are deemed to be allowable over Nakamura for the same reasons as outlined regarding the §102(b) rejection.

Additionally, claims 15, 16 are similar to claim 5, and thus are not disclosed nor taught by Nakamura since there is a need for such *stops* due to the panel support 61 and bezel 53 being integrally formed.

Also, the claims call for one rib (or coupling) **disposed at each corner** portion of the rear cover, and a corresponding coupling (or rib) **disposed at each corner** portion of the bezel.

The Examiner erroneously holds such positioning of the ribs and couplings in Nakamura to be a mere duplication of rearrangement of parts involving routine skill in the art (MPEP §2144.04).

Note that the intention and desire for Nakamura's positing of parts (latches and notches) is to make the disassembly and reassembly of the front (bezel) and rear lid portions of a lid relatively simple operations. Nakamura's description of Figs. 3A and 3B and Figs. 10A and 10B outline this simple procedure. See col. 6, line 62-col. 7, line 6 and col. 9, line 61-col. 10, line 10.

The Examiner's statement on page 8, paragraph 9, subparagraph 4) is not understood, and thus does not appear to provide support for the Examiner's position.

Placing latches and notches in the four corners of the front (bezel) and rear lid portions will not allow the front (bezel) and rear lid portions to be **easily separated** in the manner described by Nakamura. It is quite understood by one of ordinary skill in the art that the side walls of the rear lid

portion which are easily deformable along a central portion of the side wall, where as, the side walls would not be easily deformable near the four corners. Note that the claims also stipulate that the ribs and coupling be *disposed at each corner portion*, not **near** each corner portion, and if such were the case in Nakamura, the separation of the bezel from the rear lid would become extremely difficult.

Accordingly, duplicating Nakamura's parts would require more steps in separating the two lid portions, and repositioning those parts to the four corners would prevent the desired easy separation from being performed at all.

Such a modification would destroy the intended purpose of Nakamura's device such that it would no longer be able to function as intended, and such destruction is an important indication of non-obviousness, see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, the rejection is deemed to be in error and should be withdrawn.

Claims 7 and 17 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. in view of Lee et al. The Applicant respectfully traverses this rejection for the following reason(s).

Claims 7 and 17 are deemed to be allowable over the applied art at least for the same reasons discussed above with respect to their parent claims, as Lee fails to teach or suggest modifying Nakamura to include the features noted above as lacking in Nakamura.

Uniroyal, Inc. v Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988) states: "Something in the prior art as a whole must suggest the desirability, and thus the obviousness, of

making the combination"; and cites *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984), which cites *In re Imperato*, 486 F.2d 585, 179 USPQ 703 (CCPA 1973).

The Examiner discusses Lee's "stops" (535). Lee discloses protrusions 535 are formed at the rear surface of the front case 500 along its edge, and are inserted into coupling holes 450 to be fixed to the main chassis 400. Here, the Examiner refers to Lee's main chassis as a "panel support", and indicates that protrusions 535 engage the main chassis (panel support) 400 "and prevent the panel support from moving across a plane of a panel (300 . . ."

As has already been discussed above, Nakamura's panel support 61 is integrally formed with front bezel 53 **and therefore is incapable of moving across a panel** bearing screen 52. Therefore one of ordinary skill in the art would have no motivation to look to Lee for a teaching of how to prevent a panel support from moving across a plane of a panel, since the panel support is already incapable of moving across a plane of a panel.

Accordingly, there is no teaching in Lee which would have moved one of ordinary skill in the art to modify Nakamura to incorporate any of the features described by Lee, as no advantage will be gained by doing so. See *In re Sernaker*, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983) which states: "prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary

to the full appreciation of what such reference fairly suggests to one skilled in the art. *In re Wesslau*, 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965); see also *In re Mercer*, 515 F.2d 1161, 1165-66, 185 USPQ 774, 778 (CCPA 1975).

The Examiner's statement on page 8, paragraph 9, subparagraph 5) is not understood, and appears to provide support for the Applicant's position.

Accordingly, the rejection of claims 7 and 17 is deemed to be in error and should be withdrawn.

Claims, 3, 10 and 20 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Lee et al. in view of Sasai et al. (US 6,426,803). The Applicant respectfully traverses this rejection for the following reason(s).

Claims 3 and 10 depend from claim 21, and claim 20 depends from claim 27/25. Claims 21, 25 and 27 have been rejected in view of Nakamura alone. Accordingly, it is an error to reject claims in view of Lee and Sasai alone, without the inclusion of Nakamura.


We will not speculate how Lee and Sasai would have been applied, in view of one of ordinary skill in the art, to modify Nakamura.

Accordingly, the rejection of claims 3, 10 and 20 is deemed to be in error and should be withdrawn.

The Examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,



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I.D.: REB/MDP



Applicant Initiated Interview Request Form

Application No.: 09/904,665 First Named Applicant: Ki-Hyub Sung
Examiner: Y.H. Chang Art Unit: 2835 Status of Application: Pending (Final Rejection)

Tentative Participants:

(1) Michael D. Parker (34,973) (2) _____
(3) _____ (4) _____

Proposed Date of Interview: 11 August 2005 Proposed Time: 01:00 (PM)

Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>All</u>	<u>Nakamura et al.</u> <u>(US 5,768,095)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

Applicant's representative wishes to discuss the Nakamura's elements deemed to correspond to claimed *rib, deformable coupling bearing a groove, and the groove*

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Typed/Printed Name of Applicant or Representative

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.